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11 CLASSIFICATION STANDARDS REGULATION

12 CONSULTATION MEETINGS

13 WITH THE LAC DU FLAMBEAU BAND

14 taken on July 17, 2006

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21 Reported by Sherry G. Auge, RPR

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1 The Consultation Meeting with the LAC DU
2 FLAMBEAU BAND was taken before Sherry G. Auge, a
3 notary public in and for the County of Washington,
4 State of Minnesota, on July 17, 2006, taken at the
5 Sheraton Hotel, Lounge No. 3, 7800 Normandale
6 Boulevard, Bloomington, Minnesota, commencing at
7 approximately 10:30 a.m.

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9 A P P E A R A N C E S:

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11 ON BEHALF OF THE NATIONAL INDIAN GAMING
12 COMMISSION:

13 PHILIP N. HOGAN, Chairman of the National
14 Indian Gaming Commission, 1441 L Street NW, Suite
15 9100, Washington, D.C. 20005;

16 CLOYCE V. CHONEY, Chairman of the National
17 Indian Gaming Commission, 1441 L Street NW, Suite
18 9100, Washington, D.C. 20005;

19 JOSEPH M. VALANDRA, Chief of Staff of the
20 National Indian Gaming Commission, 1441 L Street
21 NW, Suite 9100, Washington, D.C. 20005;

22 NATALIE HEMLOCK, Special Assistant to the
23 National Indian Gaming Commission, 1441 L Street
24 NW, Suite 9100, Washington, D.C. 20005;
25 PENNY COLEMAN, Acting General Counsel for the

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1 National Indian Gaming Commission, 1441 L Street
2 NW, Suite 9100, Washington, D.C. 20005;

3 MICHAEL GROSS, Senior Attorney for the National
4 Indian Gaming Commission, 1441 L Street NW, Suite
5 9100, Washington, D.C. 20005;

6 JOHN R. HAY, Staff Attorney for the National
7 Indian Gaming Commission, 1441 L Street NW, Suite
8 9100, Washington, D.C. 20005;

9 JOHN PETERSON, Regional Director for the
10 National Indian Gaming Commission, St. Paul Office,
11 190 East 5th Street, Suite 170, St. Paul, Minnesota
12 55101.

13

14 ON BEHALF OF THE LAC DU FLAMBEAU BAND OF LAKE
15 SUPERIOR CHIPPEWA INDIANS:

16 DEE A. MAY, Tribal Vice-President;

17 ROSE A. MITCHELL, Tribal Treasurer;

18 ERNESTINE RODRIQUEZ, Lac Du Flambeau Gaming
19 Commissioner Director;

20 JULIE VALLIERE, Tribal Council Member.

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1 WHEREUPON, the following proceedings were duly
2 had:

3 COMMISSIONER HOGAN: Okay. Let the record
4 show that this is the time and place set for the
5 government-to-government consultation regarding the
6 National Indian Gaming Commission's proposed
7 regulations, one of which would relate to the
8 definitions of electronic facsimiles of games of
9 chance, and one of which would relate to
10 classification standards that NIGC might be
11 employing with respect to distinguishing Class II
12 from Class III gaming equipment.

13 We are beginning here at 9 -- 10:30, with Lac
14 du Flambeau Band meeting here at the Sheraton Hotel
15 in Bloomington, Minnesota, and I'm Phil Hogan,
16 chairperson of the National Indian Gaming
17 Commission. Present on behalf of the National
18 Indian Gaming Commission, Commissioner Chuck
19 Choney, who is seated to my right. John Peterson,
20 our Regional Director from St. Paul, Natalie
21 Hemlock, who has assisted the Commission out of our

22 Washington office, and Penny Coleman, who is our
23 acting general counsel; Michael Gross and John Hay,
24 who are both attorneys in the Office of General
25 Counsel, and Joe Valandra, our Chief of Staff. So

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1 we welcome Lac du Flambeau, and would you please
2 introduce yourself, and we'll begin our
3 discussions.

4 MS. ERNESTINE RODRIQUEZ: My name is
5 Ernestine Rodriquez. I'm the Gaming Commission
6 Chair for Lac du Flambeau.

7 MS. JULIE VALLIERE: I'm Julie Valliere.
8 I am a council member for Lac du Flambeau.

9 MS. DEE MAYO: Dee Mayo, Tribal
10 Vice-President for Lac du Flambeau.

11 MS. ROSE MITCHELL: I'm Rose Mitchell,
12 Tribal Treasurer for Lac du Flambeau.

13 COMMISSIONER HOGAN: Welcome, I expect you
14 had an opportunity to look at the proposed
15 regulations, and we would be very interested to
16 hear what your thoughts, suggestions, and concerns
17 are in that connection.

18 MS. ERNESTINE RODRIQUEZ: One of the
19 things, when I was going through, I looked at the
20 definitions of the -- for the slot machines, and
21 they're talking about the interaction being -- I

22 guess, I was unclear on the completion of the game,
23 When they initiate the slot machines as a bingo
24 bank game -- or a bingo game -- not bank, sorry --
25 and how are you guys gonna distinguish between

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1 when -- when a game is played like a progressive,
2 where it's a large area of banked machines, and you
3 play your one-time play, and then nobody wins, but
4 it's a progressive. And because that's so similar
5 to a regular slot machine, are you guys following
6 on that?

7 COMMISSIONER HOGAN: I think so. Go
8 ahead.

9 MS. ERNESTINE RODRIQUEZ: And, I guess, my
10 concern is when you have that kind of interaction
11 with the slot machine, there's so little that makes
12 it different from -- from the proposed changes in
13 what you guys were talking about in there, and
14 what -- what are the technical standards? Is a
15 company like GLI, or another testing lab, gonna be
16 able to pinpoint exactly where the differences are
17 in the computer gaming chips?

18 COMMISSIONER HOGAN: Well, one point you
19 raised is very significant and that has to do with
20 some of the technical aspects of all of this, and I
21 probably should have said at the outset: We've

22 published, in the Federal Register on May 25, these
23 two proposed changes, and what we plan to do in the
24 very near future is publish a third set, and that
25 will be the technical standards.

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1 That will really get into the nitty-gritty of
2 the wiring or the communication among the machines,
3 and how you prevent folks from unauthorized access,
4 things like that, and it would get addressed, that
5 aspect.

6 In the proposed classification standards, we
7 point out that, fundamentally, in bingo games,
8 there's the game winning/game ending prize. That's
9 typically when you get a straight line bingo if you
10 were playing -- playing a bingo game. But we also
11 understand that these electronic player stations
12 that we use to interconnect bingo players will
13 often, maybe, always award consolation prizes,
14 interim prizes, and have progressive games where
15 part of everybody's bet goes into the pool to be
16 won by whoever gets that combination. And we
17 understand that, often, nobody would hit that in a
18 game, and therefore, the progressive prize would
19 build and build and build until somebody eventually
20 collects that. All of that pros -- all of those
21 proceeds would need to go to the winner of the

22 progressive prize.

23 But Michael, do you want to comment any further

24 about that part of it? How that -- while the game

25 will end, the progressive contest, so to speak,

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1 will continue growing and growing.

2 MR. GROSS: Well, I think the intention is
3 to -- to define the game in such a way that it
4 begins and ends with the -- beginning with the
5 first ball drawn and ends with the completion of
6 the game winning pattern. That, in and of itself,
7 doesn't preclude a progressive award. The
8 progressive award is just defined as, here's an
9 award that you're gonna win a bingo game, and it
10 happens to get larger when everyone wagers.

11 I don't think the intention was to make the
12 game -- a game end, or any game end -- or any game
13 end, when the progressive award is won. Does that
14 address the --

15 MS. ERNESTINE RODRIQUEZ: It does, and I
16 think that we're getting a little mixed up on a
17 live game versus the Class II slot machines that
18 are out there that do provide a bingo-type game,
19 where numbers are drawn. And, I guess, to kind of
20 try to clarify my -- my question: When you play a
21 bingo game, granted, there is a progressive, you

22 know, there may be a special form, a 7 or star or
23 turtle, whatever the case may be, there's a special
24 game design, but that -- that may not be won.

25 MR. GROSS: Right.

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1 MS. ERNESTINE RODRIQUEZ: But when you're
2 playing with the slot machines -- and you pay for
3 your card. Okay. Let me go this way: You pay for
4 your card. You pay your dollar for your card, and
5 eventually, somebody is gonna win one type of game.
6 It may not necessarily be the progressive, and the
7 50 cents goes to pay for the progressive, but
8 somebody will win a bingo of some sort with that
9 game.

10 It may be any one of you, but when you play on
11 a Class II gaming slot machine, you pay your dollar
12 in, and nobody will win that in that one spin, or
13 that one push of the button, so when you guys are
14 defining that, where -- where is the -- how is that
15 defined as Class II, and how are we gonna be able
16 to make that -- that -- that adjustment, so that we
17 are able to have that as a Class II? Am I making
18 sense?

19 MR. GROSS: I think so.

20 MS. ERNESTINE RODRIQUEZ: Because when you
21 go on a regular Class III slot machine, you put

22 your dollar in. You have a one and however many
23 chance of winning on that spin.

24 MR. GROSS: Sure.

25 MS. ERNESTINE RODRIQUEZ: Okay. But when

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1 you play on a Class II gaming device, somebody is
2 supposed to win within that -- within that spin.

3 MR. GROSS: Right. And as these are
4 written -- I'm sorry, John. As these are written,
5 what we're trying to do is map the live bingo game,
6 as you described it, where there is necessarily a
7 winner of the game ending prize. Whether the
8 interim prizes, or the progressive prizes, are won,
9 that game may or may not happen, right, onto the
10 game of bingo when played with linked machines.

11 So as we drafted this, the intention was that
12 there must be a winner of the game ending prize,
13 just as there is in live session bingo, and whether
14 or not the progressive prize, or any of the interim
15 prizes are won, may or may not happen just as in
16 live session bingo.

17 And is your question more along the lines of,
18 that isn't clear from what we've written --

19 MS. ERNESTINE RODRIQUEZ: Right.

20 MR. GROSS: -- because that is what the
21 intention was.

22 MS. ERNESTINE RODRIQUEZ: It's just kind
23 of hazy out there, and, I guess, the whole -- being
24 from a regulatory standpoint, I rely heavily on my
25 testing lab and their standards and what they're

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1 coming out with as far as the technical aspect is
2 concerned. And, you know, with live bingo, we're
3 able to regulate based on machinery and everything
4 in our inventory, and the fact that our supply
5 company is guaranteeing that all the cards are
6 different, that there's serial numbers, you know,
7 and everything else. And now, with this new
8 equipment coming out, I just wanted to know, from a
9 technical and a regulatory aspect, how we're gonna
10 be able to -- how it's gonna be different from
11 what's on our casino floor to have our new -- like,
12 if we decide to open up a gas station somewhere and
13 put Class II games in there, what's gonna make that
14 establishment different from our casinos, and how
15 are we gonna be able to regulate?

16 MR. GROSS: Right.

17 MS. ERNESTINE RODRIQUEZ: So I'm sure I
18 was a little bit foggy, but that's my main concern
19 is being able to continuously regulate and be able
20 to operate as a Class II establishment somewhere
21 else.

22 MR. GROSS: As to the second part of the
23 this, Mr. Chairman, if I may, the technical
24 standards, which the Commission intends to publish
25 at the end of this month, roughly, we'll provide

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1 you with the mechanisms that you need for more
2 regulating of the electronic cards the same way
3 that you regulate the paper cards now.

4 So there are -- I mean, the thing's 120 pages
5 long of just nuts and bolts, and amongst the nuts
6 and bolts are, okay, here's the information that
7 the server has to track for each bingo game. It
8 has to track the number of the game, the number of
9 each card, the amount of money played in each
10 machine. So all of the exercises that you're doing
11 manually, when you regulate a live bingo game, are
12 duplicated.

13 As for the gaming labs, the requirement is that
14 these bingo boxes go to the lab for their analysis
15 for compliance with both of the classification
16 standards and the technical standards. So that
17 your Commission has the ability to say, yeah, this
18 is complaint, or, no, this is not, and we don't
19 want it.

20 And we imagine that we would be working with
21 the testing labs, so that they can develop their

22 own internal checklist and say, yeah, my engineers
23 need to look for this, this, this, that, and the
24 next thing, so we can make a complete evaluation of
25 the game.

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1 MS. ERNESTINE RODRIQUEZ: When you talk
2 about all the standards and everything coming out,
3 there was some question recently, I think, with a
4 Florida tribe in being able to what -- that there's
5 such a fine line between a Class II and Class III
6 game. Has Congress or NIGC taken steps to make
7 that a little bit more clear, because when I was
8 reading this, it really didn't seem that it was as
9 clear as it should have been. Does that make
10 sense?

11 COMMISSIONER HOGAN: That's exactly the
12 challenge that we're confronted with. That's why
13 we proposed these regulations to try to draw a
14 brighter line between those technic -- technologic
15 age that Congress and IGRA said that tribes can use
16 to play Class II, and those electronic facsimiles
17 of games of chance and slot machines of any kind,
18 that they said are Class III. And up until now,
19 the line has been kind of blurry.

20 MS. ERNESTINE RODRIQUEZ: Right.

21 COMMISSIONER HOGAN: And kind of the

22 guiding principle that we are basing our
23 distinction on, is it's got to be a game of bingo.
24 You got to play among people with a card, and you
25 call numbers and cover when the number is called,

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1 and the players have to participate in that.

2 When you were talking, maybe, you'd have a
3 Class II operation, it's important to us, in terms
4 of getting where we want to get, is that there
5 would be a difference between slot machines and
6 these bingo games. And the bingo games will need
7 the players to participate.

8 You can't just push the button once, and have
9 the machine do everything else. You've got to kind
10 of watch your card, daub when the numbers are
11 called, and then, just like in a bingo game, if you
12 don't do it, you could sleep the bingo, and you
13 could lose. And that's one of the primary
14 distinctions, so, and it's not easy to say that in
15 just a couple of paragraphs.

16 That's why we've got several pages of proposed
17 regulations, but just as soon as we think of one
18 thing, the game designers come along and think of a
19 way to make it faster, and, you know, there's not
20 anything wrong with being fast. It's just that you
21 can't be so fast that you don't give the player a

22 chance to participate. There's got to be a little
23 reliance, a little interaction, among the players,
24 and, critically, that you're not playing just
25 against the machine. You're playing against other

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1 players. You can't start the game if you're all by
2 yourself. You got to have other players.

3 MR. VALANDRA: If I might interject
4 something in terms of clarity. I think we realize
5 now that the preamble, which was spent more time in
6 reading than the actual regulations, might be a
7 little bit confusing, and we're working to try to
8 clarify some of that shortly, but if you go to the
9 regulation itself on 546.3(a) and (d) really
10 define, (a) defines the game. When the game begins
11 and when the game ends, and (d) talks about the
12 progressives and when and how those are defined.
13 That may help with clarity. If it doesn't, we
14 certainly, want to know that. That's sort of the
15 heart of what we're working on in terms of
16 definitions anyway so --

17 MS. ERNESTINE RODRIQUEZ: I'd just like to
18 backtrack really quick to -- so that are we going
19 to -- is it safe to say that NIGC is now defining
20 class games, specifically, as a bingo game?
21 Because in some instances, variations of poker,

22 being not non-banked, can be played as a Class II
23 game, so by saying that -- that bingo is what you
24 are defining as a Class II game, does that cut out
25 all forms of poker as a non-banked game being a

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1 Class II?

2 COMMISSIONER HOGAN: No. I use bingo
3 because it seems to be the main model that the
4 gaming machine manufacturers are focusing on, but
5 we understand that pull-tabs are Class II games,
6 that poker and non-banked card games are Class II,
7 but -- and, you know, technology can be used to
8 play those games, but we are trying to, in these
9 regulations, set out how far you can go before you
10 cross the line in becoming all electronic.

11 Now, pull-tabs, for example, is a game that
12 probably starts out in today's world on a computer.
13 They come up with, these are the numbers we're
14 gonna put in the deal. How many winners there will
15 be. How many losers. And they convert that to
16 paper, or scratch-off, whatever you got, and you
17 play those.

18 It would be possible to put all of that in an
19 electronic format. The problem we have is,
20 Congress said, you can't have, in Class II, an
21 electronic facsimile of a game of chance, so if it

22 becomes all electric, all electronic, then, it
23 falls into Class III, so we say, yes, you can use
24 slot machine dispensers that -- or strike that --
25 Pull-tab dispensers that show what looked like slot

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1 machine reels, things like that, but that really
2 can't be part of the game.

3 The game has to be based on paper that's in
4 there, you know, when you put your money in, you
5 get your pull-tab. And if you got a winner, that's
6 what wins, but you can -- you could also make them
7 look like poker hands, if you wanted to, or horse
8 races or whatever. It's just that the game has to
9 be based on the paper pull-tab, or if it's a bingo
10 game, the game of bingo.

11 MS. ERNESTINE RODRIQUEZ: With the
12 introduction of poker into our conversation, I'm
13 gonna go off base a little bit. We have some
14 serious concerns in our area regarding unregulated
15 games, and I know that we've talked to Mr. Peterson
16 before, and I can't remember who else was at the
17 meeting before, but we have -- in our -- in our
18 tribal community, unregulated slot play in the
19 local taverns, restaurants, laundromats. You name
20 it, they're there.

21 And now added into the mix, we also have poker

22 tournaments where people are having -- bars are
23 having big poker tournaments where they're --
24 people are buying in for \$100, couple hundred
25 dollars, here and there. We are continuously,

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1 regulated, not only by NIGC, but by the State, and
2 then, we are regulated by ourselves, and we feel
3 that our standards, tribally, are more stringent
4 than anything that NIGC and the State can inflict
5 on us.

6 And we have these little bars out there that
7 are just running amuck in the gaming industry with
8 their slot machines that are -- that are classified
9 as Class II. They aren't considered Class III
10 games. They're classified as Class II games, and
11 now they're adding poker and Texas Hold 'Em, and
12 everything else to theirs. What is the stand of
13 NIGC on this and where is the support for the
14 tribal governments to continue to game, basically?
15 As a tribe, we are very concerned that these people
16 are not paying taxes. They're -- they're not
17 contributing to the State the way that the tribes
18 are.

19 Essentially, the intent of IGRA is to maintain
20 a better, healthy lifestyle for the tribes. It's
21 not for the tribes to support and get the State out

22 of debt that they've created. It's for the
23 betterment of these tribes as a whole. And we are
24 continuously looked at as a source of income for
25 the State, and we are paying left and right for

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1 this privilege to game, and yet, we have these
2 other people that aren't paying anything, and
3 they're just getting their pockets fat. So we
4 wanted to know, or I want to know, where's the
5 support from NIGC and what kind of action, if any,
6 do you foresee NIGC taking on behalf of the tribes?

7 COMMISSIONER HOGAN: Do you want to
8 address that, John?

9 MR. PETERSON: Yes. And you and I talked
10 about this quite a bit, and so far, Ernestine, I've
11 hit a brick wall on everything I tried to do. Mr.
12 Choney and I were at the State. The latest that I
13 heard is that I tried to address the Great Chippewa
14 Nation a couple of weeks ago when we had the
15 meeting, and it did not get on the agenda. I was
16 told by a person that attends these meetings that
17 the Great Chippewa Nation -- and I don't know this
18 for sure -- has taken the stand that they don't
19 want to mess with the State over these machines.

20 MS. ROSE MITCHELL: A Wisconsin band?

21 MR. PETERSON: Yeah. I don't know if

22 that's true or not, and I'm still trying to check
23 that out. What I would suggest that as a nation,
24 you get together and come up with a stand as to
25 which way you want to go?

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1 MS. ERNESTINE RODRIQUEZ: I guess, the
2 question is, what meeting were you trying to get on
3 the agenda, because Dean, Rose, and Julie have no
4 idea what you're --

5 MR. PETERSON: Well, a couple of weeks
6 ago, there was a meeting being hosted by -- I was
7 notified by somebody from Ho-Chunk that this was
8 coming due. I called and attempted to get a -- and
9 I think I had to call Julie, but wasn't able to get
10 on the agenda. But what I think you ought to do as
11 a nation, as a whole, is come up with some kind of
12 a stand as what you want to do.

13 MS. DEE MAYO: And I need clarification,
14 because I know a year ago, we tried to devise a
15 Chippewa Federation of Tribes with just Chippewa
16 Tribes. When you mentioned Ho-Chunk, that just
17 sends up flags with us, because we're -- what they
18 had was a United Tribes front.

19 MR. PETERSON: That's --

20 MS. ROSE MITCHELL: And we're not
21 associated with that. So if they're coming across

22 as sending out a message from all Chippewa tribes,

23 that kind of sends up a flag --

24 MR. PETERSON: This is what I was told,

25 you know. I wanted to get up there and address the

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1 tribes, but I didn't get on the agenda. The other
2 problem is the fact that the U.S. attorneys, some
3 in the interim out there, they don't want to mess
4 with it. I have no idea anymore what to do.

5 COMMISSIONER CHONEY: In that meeting that
6 we had here in Bloomington, actually, we had people
7 from the State Tax Commission. We had some people
8 from the Gaming Commission there. We told them,
9 you know, that this is in violation of state and
10 federal law in allowing these gambling
11 establishments to have this. We also pointed out
12 to them the large amount of revenue that the State
13 is actually missing out on, and we gave them a
14 concerted estimate of what? 60 million?

15 MR. PETERSON: Oh, it was --

16 COMMISSIONER CHONEY: A concerted estimate
17 of, at least, 60 million dollars that the State is
18 losing out. They did not seem concerned about
19 that. They gave us, okay, we'll look into it, and
20 we'll get back to you. Six months later, we get
21 this letter, we get this letter from the State, and

22 we've looked into it, and we'll let you know when
23 something happens. I'm still waiting.

24 MS. ROSE MITCHELL: We were looking into
25 this -- we were directed to work with the

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1 Department of Revenue. Right now, tribes are
2 working with the State for the past year. We're
3 being included in all the consultation meetings
4 with all the state departments, and we have
5 contacted the Department of Revenue about the
6 gamings outside of the reservations.

7 And we were told that they did do some
8 monitoring and audited of 14, 13 establishments
9 throughout the state. And their revenues were 4.3
10 million, and that's 13 or 14 establishments. I
11 mean, we have that many establishments in one town,
12 and there's machines in every one of them. You
13 know, it just -- it's not right what they're doing.

14 MR. PETERSON: What's going on is, is that
15 over five machines, it falls under, I think, the
16 Division of Criminal Investigation, under five
17 machines falls under the Department of Revenue.
18 They're -- they're take on this deal is that, yes,
19 we go out and audit, and that's all they say. I,
20 like I've said, I have hit a brick wall. I don't
21 have -- I hit a brick wall, and I have no clue as

22 to how to handle this.

23 MR. VALANDRA: Can I ask a question just

24 to bring it back into context? I understand the

25 concern about unregulated gaming, but is part of

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1 the concern that you're trying to convey to us is
2 that the definition of Class II games that's being
3 used off the reservation is much broader than the
4 one that you understand us to be defining here?

5 MS. ERNESTINE RODRIQUEZ: Well, the
6 concern is that we are -- we are very strictly
7 regulated. Okay. And who's out there regulating
8 everybody else, when we are, you know -- we adhere
9 to what is being set up as -- as regulation. And
10 yet, there are people 10 miles down the road that
11 aren't being held -- being held accountable to any
12 kind of regulations, you know. It's -- it's --
13 it's frustrating to the point where, why do we even
14 bother to adhere to these rules and regulations
15 when it's not enforced across the board?

16 COMMISSIONER HOGAN: I understand that
17 concern, and I'm really sympathetic to it, and I
18 hope that we can be more successful than we have
19 been. As we focus on this -- and it's absolutely
20 just as you've described it -- we need to make sure
21 we know the difference between Chippewas and

22 Ho-Chunks and Wisconsin and Minnesota.

23 MS. ERNESTINE RODRIQUEZ: Well, Wisconsin

24 is a very unique state, and we have quite a few

25 different tribes. And, I think, that one of the

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1 things that we need to see happen is, maybe, some
2 direction or a little bit of support from the
3 Indian Gaming Working Group, that is, you know -- I
4 mean, to me, when I heard that group was being
5 developed, I was excited because here's a group of
6 different regulatory bodies coming together to
7 assist with gaming related issues.

8 Right now, we can't even prosecute or take
9 people to court for theft from our casinos, because
10 it's not in the best interest, or it's not huge
11 enough dollar amounts enough for the D.A. to
12 prosecute, and there's so many different things
13 that play there.

14 We don't get the support that we need from the
15 state of Wisconsin, and if we're supposed to be
16 working collaboratively with the State and with the
17 federal government, then one of you guys needs to
18 support us a little bit better. You know, the
19 state of Wisconsin is there with their hand open
20 for -- for money, and they're -- there's very
21 little fair negotiations going on there.

22 We were in a meeting not too long ago with the
23 State to discuss compact issues, and they're stand
24 on enforcing the rules and laws of Class II gaming
25 was, well, it's up to the County. Well, who's in

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1 charge of the County? The State. You know, if
2 we're not getting the kind of support that we need
3 from the County, and we're not getting it from the
4 State, then, who are we gonna get support from?

5 COMMISSIONER HOGAN: We need to redouble
6 our efforts to get the states to listen to that
7 concern. Our jurisdiction, of course, is limited
8 to gaming on Indian lands, so if the tavern off the
9 reservation is violating state law, all we can do
10 is kind of like you do, say to the locals, hey,
11 please enforce the law that is on the books. We're
12 playing by the rules. Just make them play by the
13 rules. John is beating his head against this brick
14 wall, but we're not done. Maybe, I need to make
15 some calls, not only to the folks in Madison, but
16 to the local prosecutors and the local sheriffs and
17 see if they can't --

18 MS. ERNESTINE RODRIQUEZ: I think, one of
19 big things that the State is failing to recognize
20 and they -- they have no understanding, perhaps, is
21 that we are a sovereign nation, and I don't know if

22 they completely understand what sovereignty means,
23 you know, if they think it's a piece of paper that
24 was signed and our treaties granted sovereignty,
25 whatever the case may be.

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1 You know, we are a sovereign nation, and we do
2 have the right to meet government-to-government,
3 and if the government's representative or agent,
4 being the State, isn't negotiating fairly, then,
5 maybe, we should just hold out to meet with the
6 President. We're at our wits end here. Our
7 sovereignty is constantly being treaded on, and
8 it's completely disrespectful.

9 COMMISSIONER HOGAN: Okay. We will
10 certainly renew or efforts in that connection.
11 We're nearing the end of time that we set aside for
12 this. Are there any other specific comments that
13 you have with respect to the proposals either
14 regarding our definitions or the classification
15 regulations, and we do understand that the Tribal
16 Chair has sent a letter, and that will be included
17 as part of the record with respect to our
18 consideration of these regulations?

19 MS. ERNESTINE RODRIQUEZ: Well, I, for
20 one, will be anxiously awaiting your technical
21 standards that you'll be publishing soon.

22 COMMISSIONER CHONEY: If, after visiting
23 with us today, you feel like you want to resubmit
24 another letter, feel free to do so.

25 MS. ERNESTINE RODRIQUEZ: Okay.

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1 COMMISSIONER HOGAN: Okay. Well, thank
2 you for taking the time to come to Minneapolis to
3 speak with us about this.

4 (Whereupon, the proceedings concluded at
5 approximately 11:05 a.m.)

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1 STATE OF MINNESOTA)
) SS
2 COUNTY OF WASHINGTON)

3 Be it known that I took the verbatim record of
the National Indian Gaming Commission's
4 Consultation Meetings regarding Classification
Standards Regulation on July 17, 2006, at The
5 Sheraton Hotel, 7800 Normandale Boulevard,
Bloomington, Minnesota 55439;

6 That I was then and there a notary public in
and for the County of Washington, State of
7 Minnesota, and that by virtue thereof I was duly
authorized to administer an oath but did not;

8 That the conversations of said participants was
recorded in stenotype by myself and transcribed
9 into typewriting, and that the Consultation
Meetings is a true record of conversations given by
10 the participants to the best of my ability;

That I am not related to any of the parties
11 hereto nor interested in the outcome of the action;

That I am not financially interested in the
12 action and have no contract with the parties,
attorneys, or persons with an interest in the
13 action that affects or has a substantial tendency
to affect my impartiality;

14 That all parties who ordered copies have been
charged at the same rate for such copies;

15

16 WITNESS MY HAND AND SEAL THIS 24th day of July,
2006.

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Sherry G. Auge
Court Reporter

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